

Advisory Opinions on Consent Agenda - February 2016

Docket #	Caption	Analysis	Recommendation
2015-917	Consideration of a disqualification plan resulting from an advisory opinion issued to Jennifer Russell, the Business Manager of the Louisiana State University Health Sciences Center-Shreveport (LSUHSC-S), Department of Neurology, and her continued work for Acadiana Computer Services (ACS) while ACS contracts with LSUHSC-S.	Since her plan states that she will still be involved in the receipt of reports from ACS, the disqualification plan is deficient and should not be approved until a plan is submitted that provides that Ms. Russell has no involvement at all with ACS submissions to her department.	Do not approve disqualification plan.
2015-1000	Advisory opinion regarding whether a real estate agent may be appointed to serve on the City of Central Planning and Zoning Commission.	Additional information was requested by the staff; however, no response was received.	Decline to render an advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1231	Advisory opinion regarding whether La. R.S. 42:1113A prohibits West Feliciana Parish from entering into a servitude with MKV Homestead, LLC, while Parish Council Member Heather Howle's mother, Virginia Sheets Reid, owns 37 and one half percent of MKV Homestead, LLC.	Due to the termination of Ms. Howle's service on the West Feliciana Parish Council, the issue is now moot.	Decline to render.
2015-1258	Advisory opinion regarding whether the members of the Board of Directors of New Orleans Business Alliance are required to file personal financial disclosure statements pursuant to R.S. 42:1124.2.1.	Based on the information provided, the Business Alliance does not meet the definition of a board/commission as defined by R.S. 42:1124.2.1. As such, the members of the Board of Directors are not required to file annual personal financial disclosure statements.	Adopt proposed advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1332	Advisory opinion request regarding whether Gilbane Construction can respond to a Request for Proposals for the position of Construction Manager at Risk for the National Hurricane Museum and Science Center's project.	The Center was not created by the legislature, its powers were not specifically defined by the legislature, and its property does not belong to the public. Therefore, the Center is not a governmental entity; and, Mr. Gilbane, as a member of the Center's board, would not be a public employee subject to the Ethics Code.	Adopt the proposed advisory opinion.
2015-1369	Advisory opinion regarding whether the members of the White Lake Property Advisory Board are required to file annual personal financial disclosure statements pursuant to R.S. 42:1124.2.1.	Since any action taken by the Department of Wildlife and Fisheries or the Wildlife and Fisheries Commission concerning the management, administration, and control of the White Lake property is to be controlled by the recommendations given by the White Lake Property Advisory Board, and shall not be inconsistent therewith, as statutorially mandated, R.S. 42:1124.2.1 requires the board members to file pfds.	Affirm prior opinions.
2015-1380	Advisory opinion request regarding whether the Academy of Training Skills is a governmental entity and/or public servant subject to the Code of Governmental Ethics.	It does not appear that the request was made by an "affected person." Therefore the person requesting the opinion does not have standing.	Decline to render an advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1381	Advisory opinion request by Bruce Pitre regarding whether he may sell goods or services through Riverland Industrial Supply to any agency other than the St. Charles Parish Assessor's Office.	Mr. Pitre's agency is the St. Charles Parish Assessor's Office. He is prohibited from bidding on or entering into any contract, subcontract, or other transactions with the Assessor's Office. The Assessor's Office is a separate agency within the St. Charles Parish Government. He would not be precluded from bidding on or entering into any contracts, subcontracts, or other transactions with other government agencies.	Adopt proposed advisory opinion.
2015-1383	Advisory opinion regarding whether Christopher Abadie, a Materials Engineer Administrator with the Department of Transportation and Development (DOTD), may, after he retires, accept a position as a quality manager with a company that produces a product currently approved to be used on DOTD projects.	As an appointing authority and division head for the Quality Assurance Program/Division, Mr. Abadie was an agency head. As such, Mr. Abadie, for a period of two years following the termination of his employment with DOTD, is prohibited from assisting any company on any testing, test data, or other documents that may be used in connection with any product that is or would be subject to quality assurance by DOTD's Quality Assurance Program or with any product that is used by DOTD and was quality tested while Mr. Abadie was the head of the Quality Assurance Program.	Adopt proposed advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1386	Advisory opinion request regarding whether David Pourciau may charge fees to prepare or testify in a matter in which he participated while employed with the Louisiana Department of Transportation and Development Appraisal Office.	The services rendered would be for the Appraisal Office; therefore, he would be prohibited from receiving fees for such services.	Adopt proposed advisory opinion.
2015-1387	Advisory opinion regarding whether the Code of Governmental Ethics prohibits Mr. Hebert Thibodeaux from continuing to serve as an appointed member of the St. Martin Parish Planning and Zoning Commission once his son-in-law, Chris Tauzin, is sworn in as a member of the St. Martin Parish Council.	There are no provisions in the Code which would prohibit Mr. Thibodeaux from serving the remainder of his term on the Planning and Zoning Commission. However, after the expiration of his current term, Mr. Thibodeaux should be advised that La. R.S. 42:1113A would prohibit him from being reappointed by the Parish Council while his son-in-law serves on the Parish Council.	Adopt draft advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1389	Advisory opinion request regarding Charlotte Luna's continued employment with St. Bernard Parish while her husband, Howard Luna, serves as a member of the St. Bernard Parish Council.	Since Mrs. Luna has been employed with the Parish for more than one year prior to Mr. Luna becoming a member of the Parish Council, it would not present a violation of La. R.S. 42:1119B if she continues her employment. Furthermore, it would not present a violation of La. R.S. 42:1112B(1), if Mr. Luna participates in a vote of the Parish Council on any ordinance that affects Parish employees equally. Nor would it present a violation of La. R.S. 42:1112B(1) if he participates in a vote of the Parish Council to adopt a budget that includes Mrs. Luna's salary, on the condition that it does not provide for a change to her salary.	Adopt the proposed advisory opinion.

Docket #	Caption	Analysis	Recommendation
2015-1391	Advisory opinion regarding whether the Code of Governmental Ethics prohibits Dalton Rainwater from being hired to work in the Baker Police Department while his father is a candidate for Baker Police Chief. Additionally, whether the Code would require Dalton Rainwater to terminate his employment, if his father is elected Police Chief.	La. R.S. 42:1119A would not prohibit Dalton Rainwater's employment while his father, Darryl Rainwater, is a candidate for Baker Police Chief. However, Dalton Rainwater would be prohibited from continuing his employment if his father is elected Police Chief since he would not have been employed for at least a year before his father would be sworn in as Baker Police Chief.	Adopt draft advisory opinion.
2015-1396	Advisory opinion request regarding whether Lorrie Briggs may accept employment with Ekahaya Youth Project (Ekahaya) while she is employed with the Department of Children and Family Services (DCFS).	Since the issue is moot, the staff recommends declining to render an opinion.	Decline to render an opinion

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2015-1445	Advisory opinion request regarding whether the firm Gossen-Holloway & Associates, owned by Skipper Holloway, who is the husband of a BESE member, may be part of a response to a request for proposal (RFP) to perform work on renovation projects at Nicholls State University.	1113D(1)(a)(i) applies to contracts, but not to subcontracts. This matter involves a subcontract. Because neither Mr. Holloway nor any of his immediate family members are employed by Nicholls State University or of an agency that exercises supervision or jurisdiction over Nicholls State University, he would not be prohibited from entering into the subcontract.	Adopt proposed advisory opinion.
2015-1448	Advisory opinion request regarding whether Blake Pino, a former Assistant Parish Attorney with the East Baton Rouge Parish Attorney's Office, can provide legal services to the East Baton Rouge Parish Coroner's Office.	Mr. Pino's agency was the Parish Attorney's Office. Pursuant to La. Const. Art. V, § 29, the Coroner's Office is part of the Judicial Branch of state government. Therefore, it would not present a violation of La. R.S. 42:1121B(1), if Mr. Pino or Hannah, Colvin & Pipes, LLP, enter into a contract with the Coroner's Office for the provision of legal services. However, Mr. Pino may not assist in any case, or other particular matter, that he worked on while employed with the Parish Attorney's Office, before December 18, 2017.	Adopt the proposed advisory opinion.
2016-008	Advisory opinion request as to whether Troy Sehlinger, an employee of the Louisiana Department of Wildlife and Fisheries, may accept an award of free tuition from the University of New Orleans as a part-time graduate student.	No provision of the Louisiana Code of Governmental Ethics prohibits Mr. Sehlinger from receiving free tuition directly from UNO from grant funds awarded from NFWF to study oyster mortality and growth.	Adopt the proposed advisory opinion.

Docket #	Caption	Analysis	Recommendation
2016-009	Advisory opinion request from Max Camp regarding whether the Code of Governmental Ethics prohibits Common Ground Health Clinic from signing a lease with the City of New Orleans while he is employed by the city.	Since Mr. Camp has since resigned from the Common Ground Health Clinic Board, the issue is moot.	Decline to render an advisory opinion.
2016-010	Advisory opinion request regarding whether Michael Newman can enter into certain transactions while he serves as an appointed member of the Shreveport Metropolitan Planning Commission.	Since Mr. Newman owns a 66% interest in the Firm, he and the Firm would be prohibited from being involved with a project that is, or will be, the subject of action by the Planning Commission, at a time when Mr. Newman serves as a member of the Planning Commission. Additionally, Mr. Newman and the Firm would be prohibited from rendering compensated services to or for any person that has a project pending before the Planning Commission, at a time when Mr. Newman serves as a member of the Planning Commission. Finally, Mr. Newman and the Firm would be prohibited from receiving compensation for assisting a person in a transaction, or an appearance in connection with a transaction, with the Planning Commission, at a time when Mr. Newman serves as member of the Planning Commission.	Adopt the proposed advisory opinion.